

## Minutes of the Meeting

(NRI Cell, NCW)

Minutes of the **first Meeting of the Expert Committee** on the subject "Need to review the existing legislatures or to enact special Indian enactments to address the various issues that arise in NRI/ Overseas marriages" held under the chairpersonship of Member Secretary (NCW) on **28.07.2011** at 3 pm in the Conference Hall of NCW.

1. The list of participants is enclosed.
2. The Joint Secretary, NCW welcomed all the members of the Expert Committee and referred to the terms of References for constitution of the Expert Committee. The Member Secretary, NCW emphasised that the relevant law needs to be examined from two aspects: firstly whether there is need for amendments in the existing laws which can address the various issues that arise in NRI/ Overseas marriages; and secondly whether there is also a need for fresh legislation to address the issues of NRI/ Overseas marriages.
3. The Member Secretary, NCW initiated the discussion by referring to 219<sup>th</sup> Report of Law Commission of India titled "Need for family Law Legislation for Non-resident Indians" and to the minutes of the inter-Ministerial Committee constituted on the implementation of Law Commission of India's report no. 219. She mentioned that in the meeting dated 8<sup>th</sup> April 2010 of the inter ministerial Committee on the subject it has been emphasised that "NRIs are Indian citizens so Indian law will apply. PIOs are citizens of other countries so no need is felt for comprehensive law for overseas Indians. The main issue is of process and applicability of the concerned law and its enforceability. Comprehensive law and conflict of laws is a larger issue to be looked into by Ministry of Law and Justice". As such the first issue to be decided by the Expert Committee is whether a fresh legislation is required to govern NRI marriages. After discussion the consensus was that a separate law is desired which would inter alia provide for compulsory registration of marriage, pre-nuptial agreement and affidavit disclosing particulars of the NRI spouse.

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4. The issues involved in the NRI/overseas marriages were discussed by the members of the Committee along with the measures which could help in addressing the problem. It was proposed that a Sub Committee may be constituted by NCW to go deeper into the issues and drafts proposed amendments and Bill. It was mentioned that NCW had got a study done by Prof. Laxmi Jambholkar on the subject of NRI Marriages and it was requested that NCW should locate the Report for the assistance of drafting sub-committee.

5. The meeting ended with the decision that a copy of the 219<sup>th</sup> Report of Law Commission of India titled "Need for family Law Legislation for Non-resident Indians" would be sent to all the respective members by email and it would also be posted on NCW website. Honourable members would give their comments in writing within one month in the following suggested format:

Problem	Proposed Solution	Existing Legislation	Draft of Proposed Amendment or New Legislation
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6. The comments given by the members of the Committee would be collated and discussed in the next meeting of the sub-group.

7. The meeting concluded with a vote of thanks to the Chair.

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## List of Participants

1. Member Secretary, NCW, Zohra Chatterji
2. Joint Secretary, NCW, Ms.Minakshi Ghose
3. Ms.Pam Rajput, Director Women Resource and Advocacy Centre
4. Dr.Flavia Agnes, Director Majlis
5. Sh.Ashwini Luthra, President Asian Education Society
6. Prof.V.C.Govindraj, Indian Society of International Law
7. Mr. Mehmood Pracha, Advocate
8. Mr. S.C Kaushik, Law Officer, NCW